

REMARKS

The Action has been received and reviewed. Claims 13 through 30 are pending in the application. Claims 13 through 30 stand rejected and claims 17, 18, 21, and 22 are indicated to include allowable subject matter. Claims 13, 16, 18, 19, and 25 are amended herein and claims 14, 17, 20 through 22, 24, and 26 through 30 are cancelled. Applicant respectfully requests consideration of claims 13, 16, 18, 19, and 25 as amended and the allowance of the pending claims.

Drawing Objections

Figures 2 and 3 are objected to because of an alleged inconsistency between the right and left sides of the interface between the air inlet valve (34) and the outside of the air compression chamber.

The apparent inconsistency is in fact not an inconsistency but is instead a result of the angle of the perspective view illustrated in Figures 2 and 3. If the illustrations in Figures 2 and 3 were direct side, cut-away views the “mirror images” would be seen. However, as the illustrations in Figures 2 and 3 are perspective views rather than straight-on side views, the portion of the air inlet valve (34) on the right side of the illustration is not shown because it is outside of the illustration because it would appear below the bottom of the illustration from the perspective illustrated in Figures 2 and 3.

Applicant believes that Figures 2 and 3 are correct and acceptable based upon the perspective shown and that corrected drawing sheets of the illustrated perspective would not show the air inlet valve (34) on the right side. In addition, Applicant understands that the addition of drawings having a different perspective view would risk a rejection for new matter.

Applicant believes that corrected drawings are not appropriate herein, and that the current Figures are acceptable, and respectfully requests the withdrawal of the objection or a clarification of the objection if the Applicant misunderstood the basis of the objection.

Specification Objections

The Specification is objected to because of the manner in which the Specification includes incorporation by reference to WO 02/42005 and NL 1022633. With respect to NL 1022633, Applicant contends that the language used for the incorporation by reference meets the

intent requirement of 37 C.F.R. § 1.57(b)(1) although the example language cited in the statue is not used. Further, Applicant submits that the intent to incorporate WO 02/42005 is also obvious despite the lack of the use of both root words “incorporate” and “reference.”

The objection to the incorporation by reference method, however, is irrelevant because the material which Applicant alleges as “incorporated” material is not relevant to the pending claims. Throughout the rejection, the Office requires that a correction be made “if the material [incorporated by reference] is relied upon to overcome any objection, rejection, or other requirement imposed by the Office.” Since the allegedly incorporated material is not being relied upon to overcome any objections or rejections herein, the objection to the Specification is moot for the purposes of evaluating the pending claims. Applicant respectfully requests that the objection to the Specification be withdrawn.

35 U.S.C. § 112, First Paragraph, Rejections

Claims 13 through 30 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. More particularly, the 35 U.S.C. § 112, first paragraph, rejection alleges that Applicant’s incorporation of certain subject matter by reference is improper. Applicant respectfully traverses this rejection.

The material which Applicant allegedly improperly incorporates into the application by reference is not essential material which “is relied upon to overcome any objections, rejection, or other requirement imposed by the Office.” Even if the material which the Office deems as improper is not incorporated into the Specification, the Specification provides a written description of the invention sufficient to satisfy the 35 U.S.C. § 112, first paragraph, requirements. Applicant respectfully requests the withdrawal of the 35 U.S.C. § 112, first paragraph, rejections.

Claims 13 through 30 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

Claims 13, 16, 18, 19, and 25 are amended herein and the amendments correct the deficiencies detailed in the Action. Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of the pending and amended claims.

35 U.S.C. § 102(b) Rejections

Claims 13 through 16, 19, 20, 23 through 28, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by ven de Heijden (U.S. Patent Application Publication No. 2002/0056730).

Independent claim 13 is amended herein to include the recitations of claim 17 and claim 14. The recitations of claim 17 are not anticipated by ven de Heijden as indicated in the Action. Because such claims are now incorporated with the recitations of independent claim 13, claim 13 is not anticipated.

In addition, dependent claims 15, 16, 19, 23, and 25 depend, either directly or indirectly, from independent claim 13. As dependent claims of a non-anticipated independent claim, claims 15, 16, 19, 23, and 25 are also not anticipated.

For at least the foregoing reasons, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102(b) anticipation rejection of claims 13, 15, 16, 19, 23, and 25.

35 U.S.C. § 103(a) Rejections

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being obvious in light of the combination of ven de Heijden with Tanabe et al. (U.S. Pat. 4,932,567).

Claim 29 is cancelled herein, rendering the rejection thereof moot.

Allowable Subject Matter

Applicant appreciates and thanks the Examiner for the notification of the allowable subject matter of claims 17, 18, 21, and 22 if such claims were rewritten to overcome the 35 U.S.C. § 112 rejections of those claims.

ENTRY OF AMENDMENTS

The amendments to claims 13, 16, 18, 19 and 25 herein should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 13, 15, 16, 18, 19, 23, and 25 are believed to be in condition for allowance, and an early notice thereof is respectfully submitted. Should the Examiner determine that additional issues exist which might be resolved by a telephone conference, they are respectfully invited to contact the Applicant's undersigned representative.

The Director is hereby authorized to charge any additional fees or underpayments of fees under 37 C.F.R. §§ 1.16 and 1.17, or to credit any overpayments, to Deposit Account Number 13-2500. Applicant is a large entity.

Respectfully Submitted,

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